IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 4944 of 2005
Date of decision : 11.1.2007

The State of Haryana & Ors.

.....Petitioners.

Versus

Girdhari Lal

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Ashish Sharma, DAG, Haryana
for the petitioners.

Mr. Sanjay Mittal, Advocate
for the respondent.

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VINOD K. SHARMA,J.(ORAL)

On the suit filed by the plaintiff the learned trial Court has been pleased to grant the following relief :

"On sequel of my finding on all the issues, present suit is partly succeeds and is hereby decreed accordingly. It is declared that plaintiff is entitled for consideration by defendant for promotion to the post of Multi Purpose Health Supervisor from the date when vacancy for promotion had occurred and in doing so, defendant shall not take into consideration ACR of plaintiff which were not conveyed to him as observed in Para no.8 in this judgment. Let aforesaid exercise be completed by the defendant within 2 months from today. Present suit regarding remaining relief stand dismissed with no order as to costs. Decree sheet be prepared accordingly. File be consigned to record room after due compliance."

The petitioner herein filed an appeal against the said judgment and decree passed by the learned trial Court along with an application for condonation of delay of 185 days. The learned lower appellate Court framed an issue on the application moved by the petitioner and on appreciation of evidence and documents produced on record has come to the conclusion that there was no sufficient cause for condoning the delay of 185 days in filing the appeal. Accordingly the appeal has been dismissed as time barred.

The learned lower appellate Court has exercised the jurisdiction vested in it in accordance with law which cannot be interfered with in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

Dismissed.

11.1.2007. **(VINOD K. SHARMA)**
'sp' **JUDGE**